

ORIGINAL

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 06 2006

JAMES R. LARSEN, CLERK
DEPUTY
SPOKANE, WASHINGTON

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
UNITED STATES OF AMERICA

vs.

Soledad Cervantes

Name

CR-06-2127-FVS

File No.

891 County Line, Rd

Street Address

(509) 882-6409

Telephone Number

Grandview, WA 98930

City and State

AGREEMENT FOR PRE-TRIAL DIVERSION

It appearing that you are reported to have committed an offense against the United States on or about July 26, 2006, in violation of Title 18, United States Code, Section 1001(a)(2), in that you did make materially false statements, and upon your accepting responsibility for this act, and it further appearing, after an investigation of the offense, and your background, that the interest of the United States and your own interest and the interest of justice will be served by the following procedure, therefore,

On the authority of the Attorney General of the United States, by James A. McDevitt, United States Attorney for the Eastern District of Washington, prosecution in this District for this offense shall be deferred for a period of 12 months from the date of the signing of this agreement, provided you abide by the following conditions set out below:

Should you violate the conditions of this supervision, the United States Attorney may revoke or modify any conditions of this pre-trial diversion program or change the period of supervision which shall in no case exceed 12 months. The United States Attorney may release you from supervision at any time. The United States Attorney may at any time within the period of your supervision initiate prosecution for this offense should you violate the conditions of this supervision and will furnish you with notice specifying the conditions which you have violated.

Pretrial Diversion Agreement - 1

P61023JMJK.wpd

1 If, upon completion of your period of supervision, a pre-trial diversion
2 report is received to the effect that you have complied with all the rules,
3 regulations and conditions above mentioned, no prosecution for the offense set out
4 on page 1 of this agreement will be instituted in this District, and any indictment
5 or information will be discharged.

6 Neither this agreement nor any other document filed with the United States
7 Attorney as a result of your participation in the Pre-Trial Diversion Program will
8 be used against you, except for impeachment purposes, in connection with any
9 prosecution for the above described offense.

7 CONDITIONS OF PRE-TRIAL DIVERSION

8 1. You shall not violate any law (federal, state and local). You shall
9 immediately contact your pre-trial diversion supervisor if arrested and/or
questioned by any law enforcement officer.

10 2. You shall attend school or work regularly at a lawful occupation or
11 otherwise comply with the terms of the special program described below. In the
12 absence of a special program, when out of work or unable to attend school, you
shall notify your program supervisor at once. You shall consult him prior to job or
school changes.

13 3. You shall continue to live in this judicial district. If you intend to
14 move out of the district, you shall inform your supervisor so that the appropriate
transfer of program responsibility can be made.

15 4. You shall report to your program supervisor as directed and keep him
16 informed of your whereabouts.

17 5. You shall report to the United States Attorney's Office as directed and
keep the United States Attorney informed of your whereabouts.

18 6. You shall not have any contact (in person, phone, or by other
19 media) with Rafael Cervantes, a current fugitive from justice.

20 7. You shall immediately (within 24 hours) inform the U.S. Marshals
21 Service if you are contacted by Rafael Cervantes, or if you are contacted by a third
party on behalf of Rafael Cervantes.

22 8. You shall not aid, comfort, or otherwise harbor or assist Rafael
Cervantes while he is a fugitive from justice.

23 9. You shall immediately inform the U.S. Marshals Service if you
24 become aware of information relating to the location of Rafael Cervantes.

25 10. You shall be truthful if you are contacted by the U.S. Marshals

1 Service regarding Rafael Cervantes.

2

3 I, Soledad Cervantes, assert and certify that I am aware of the fact that the
4 Sixth Amendment to the Constitution of the United States provides that in all
5 criminal prosecutions the accused shall enjoy the right to a speedy and public trial.
6 I also am aware that Rule 48(b) of the Federal Rules of Criminal Procedure
7 provides that the Court may dismiss an indictment, information, or complaint for
8 unnecessary delay in presenting a charge to the Grand Jury, filing an information
9 or in bringing a defendant to trial. I hereby request that the United States Attorney
10 for the Eastern District of Washington defer any prosecution of me for violation of
11 Title 18, United States Code, Section 1001(a)(2) for a period of 12 months, and to
12 induce him to defer such prosecution I agree and consent that any delay from the
13 date of this Agreement to the date of the initiation of the prosecution, as provided
14 for in the terms expressed herein, shall be deemed to be a necessary delay at my
15 request and I waive any defense to such prosecution on the ground that such delay
16 operated to deny my rights under Rule 48(b) of the Federal Rules of Criminal
17 Procedure and the Sixth Amendment to the Constitution of the United States to a
18 speedy trial or to bar the prosecution by reason of the running of the statute of
19 limitations for a period of 12 months, which is the period of this Agreement.

20

21 I hereby state that the above has been read by me in the Spanish language. I
22 understand the conditions of my pre-trial diversion and agree that I will comply
23 with them.

24

25

26 Soledad Cervantes

DATE

Soledad Cervantes 10-25-06

27

28 GEORGE P. TREJO, JR.
29 Defendant's Attorney

DATE

10-25-06

30

31 Jared C. Kimball
32 Assistant United States Attorney

DATE

11.6.06

33

34 Interpreter

35 Levi Enriquez

DATE

10/28/06

36

37 Pretrial Diversion Agreement - 3

38 P61023JMJK.wpd

1

2 APPROVED without passing judgment on the merits or wisdom of this diversion.

3

4

Fe 25

Hon. Fred Van Sickle, U.S. District Court Judge

4/6/06

DATE

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26 Pretrial Diversion Agreement - 4

P61023JMJKA.wpd